UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v. **Case No. 8:03-CR-77-T-30TBM**

HATIM NAJI FARIZ
_____/

MOTION TO DISMISS BASED ON THE SELECTIVE NATURE OF THE PROSECUTION AND/OR FOR DISCOVERY ON THE SELECTIVE PROSECUTION CLAIM

Defendant, Hatim Naji Fariz, by and through undersigned counsel, and pursuant to the Equal Protection Clause of the Fifth Amendment of the United States Constitution, hereby respectfully requests that this Honorable Court dismiss this action based on the selective nature of the prosecution and/or grant discovery to allow further investigation of the selective prosecution claim. As grounds in support, Mr. Fariz states:

I. Introduction

On February 20, 2003, Mr. Fariz and seven other co-defendants were charged in a 50-count indictment. Count Three of the indictment alleges that Mr. Fariz and some of his co-defendants,[1] from in or about 1988 to the date of the indictment, conspired to knowingly provide material support and resources to a designated foreign terrorist organization, the

[1] Count Three charges all of the defendants in this case, except Muhammed Tasir Hassan Al-Khatib.

Palestinian Islamic Jihad, in violation of 18 U.S.C. § 2339B.[2] A foreign terrorist organization ("FTO"), for purposes of Section 2339B, is defined as "an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act." 18 U.S.C. § 2339B(g)(6). Section 219 of the Immigration and Nationality Act is codified at 8 U.S.C. § 1189. *See* 18 U.S.C. § 2339B & historical note. Pursuant to 8 U.S.C. § 1189, the Secretary of State, in consultation with the Secretary of Treasury and the Attorney General, is authorized to designate an organization as a "foreign terrorist organization" if it (1) is a foreign organization, (2) that engages in terrorist activity or terrorism, as defined, or retains the capability and intent to do so, and (3) the terrorist activity or terrorism threatens the security of U.S. nationals or the United States' national security. 8 U.S.C. § 1189(a)(1).[3] On October 8, 1997, then Secretary of State Madeleine Albright designated the Palestinian Islamic Jihad - Shaqaqi faction ("PIJ") as a foreign terrorist

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[2] Section 2339B provides, in pertinent part:

> Whoever, within the United States or subject to the jurisdiction of the United States, knowingly provides material support or resources to a foreign terrorist organization, or attempts or conspires to do so, shall be fined under this title or imprisoned not more than 15 years, or both, and, if the death of any person results, shall be imprisoned for any term of years or for life.

18 U.S.C. § 2339B(a)(1). Congress passed Section 2339B in 1996, and amended the statute in 2001 to increase the penalties from 10 to 15 years and to include the provision requiring a term of imprisonment of years or life if a person dies as a result. Pub. L. No. 107-56, § 810(d), 115 Stat. 272, 380 (2001).

[3] The second designation criteria was amended in 2001 to include "terrorism," as defined in 22 U.S.C. § 2656f(d)(2). Pub. L. No. 107-56, § 411(c), 115 Stat. 272, 349 (2001).

organization. 62 Fed. Reg. 52650-01. The government relies on this designation in Count Three. *See* Doc. 1, Indictment, at 94, ¶ 3(t).

Count Three is the linchpin of the government's case, since the charges in the indictment stem from, and are directly related to, the "material support" that the Defendants allegedly provided to the PIJ. While the indictment details several violent attacks the PIJ is alleged to have carried out, it is undisputed that the Defendants did not take part in the planning or execution of the referenced attacks. The Defendants are charged with general fund raising and advocacy activities that would be legal in this country but for the PIJ's designation as an FTO. As set forth below, Mr. Fariz demonstrates that other similarly situated groups are engaged in exactly the same type of activity he and his co-defendants allegedly engaged in on behalf of the PIJ, but have not been prosecuted under Section 2339B. The instant prosecution is rooted in unconstitutional grounds and should be dismissed as a case of selective prosecution.

II. Standard for Selective Prosecution Claim and Statutory Basis for the Instant Prosecution

According to the Supreme Court, "[a] selective prosecution claim is not a defense on the merits to the criminal charge itself, but an independent assertion that the prosecutor has brought the charge for reasons forbidden by the Constitution." *United States v. Armstrong*, 517 U.S. 456, 463 (1996); *United States v. Smith*, 231 F.3d 800, 807 (11th Cir. 2000). While prosecutorial discretion is generally given a broad construction by the courts, "the decision whether to prosecute may not be based on an 'unjustifiable standard such as race, religion,

or other arbitrary classification'" in violation of the equal protection guarantee of the Fifth Amendment. *Armstrong,* 517 U.S. at 464 (quoting *Oyler v. Boles*, 368 U.S. 448, 456 (1962)). To make out a successful selective prosecution claim, Mr. Fariz must show by "clear evidence" that the prosecutor's decision or the policy in question has both "a discriminatory effect and . . . was motivated by a discriminatory purpose." *Id.* at 465. Selective prosecution claims are adjudicated according to ordinary equal protection standards. *Wayte v. United States*, 470 U.S. 598, 608-09 (1985).

To show discriminatory effect, Mr. Fariz must demonstrate that "similarly situated individuals of a different [classification] were not prosecuted." *Id.* The Eleventh Circuit defines a

> "similarly situated" person for selective prosecution purposes "as one who engaged in the same type of conduct, which means that the comparator committed the same basic crime in substantially the same manner as the defendant--so that any prosecution of that individual would have the same deterrence value and would be related in the same way to the Government's enforcement priorities and enforcement plan - and against whom the evidence was as strong or stronger than that against the defendant."

Smith, 231 F.3d at 810. "'[D]iscriminatory purpose' ... implies that the decisionmaker ... selected or reaffirmed a particular course of action at least in part 'because of,' not merely 'in spite of,' its adverse effects upon an identifiable group.'" *Wayte,* 470 U.S. at 610 (internal citations omitted). Such a purpose may be demonstrated by circumstantial evidence. *Village of Arlington Heights v. Metropolitan Housing Development Corp.*, 429 U.S. 252, 266 (1977) ("Determining whether invidious discriminatory purpose was a motivating factor demands

a sensitive inquiry into such circumstantial and direct evidence of intent as may be available.")

III. Argument

A. Discrimination Among FTOs

The Defendants in this case are all Muslims of Middle Eastern[4] descent who are alleged to have been members of the Palestinian Islamic Jihad, a banned FTO. The basis for the charges in the indictment stem from the Defendants' alleged provision of material support for an FTO through fund raising or advocacy activities - activities that would be legal but for the FTO designation. The government has initiated criminal terrorism prosecutions against Muslim individuals of Middle Eastern descent allegedly belonging to groups designated as FTOs by the Department of State, solely on the basis of those individuals' otherwise legal fund raising or advocacy activities. A review of the current prosecutions of individuals charged with violations of 18 U.S.C. § 2339B that involve advocacy activity in the United States reveals that those individuals so charged are Muslims of Middle Eastern origin involved with groups not actively engaged in attacks on the United States. *See United States v. Rahmani*, 209 F. Supp.2d 1045 (C.D. Cal. 2002) (Muslims of Iranian origin charged

[4] Webster's Dictionary defines the Middle East as "the countries of SW Asia and N Africa – usually considered as including the countries extending from Libya on the W to Afghanistan on the E." Merriam-Webster Online Dictionary, available online at http://www.m-w.com/cgi-bin/dictionary?book=Dictionary&va=Middle+East&x=21&y=17.

with multiple counts of materially supporting an FTO through "solicitations, wire transfers and monetary donations" to a charity allegedly affiliated with an FTO).[5]

Currently, there is more than enough evidence to suggest that other, non-Middle Eastern Muslim FTOs and terrorist groups are conducting the same type of alleged fund raising and advocacy activities within the United States, but whose alleged members have not been subjected to prosecution on criminal charges, in marked contrast to the Defendants in this action. Specifically, there is substantial documentary evidence to indicate that certain banned terrorist groups are operating within the United States without being subject to any level of criminal prosecution. In this regard, the members of these groups are similarly situated to the Defendants in this action in all respects.

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[5] In a similar vein, the government charged a Saudi Arabian Muslim student with providing material support to terrorists, including, *inter alia*, the Palestinian group Hamas, an FTO, in violation of Section 2339A via his otherwise lawful activities of maintaining an Islamic website while in the United States. *United States v. Al-Hussayen*, 03-CR-48 (D. Idaho 2003). In addition, the vast majority of 2339B prosecutions involve Muslim defendants, most of whom are of Middle Eastern origin. *See, e.g, United States v. Fawzi Mustapha Assi*, No. 98-CR-80695 (E.D. Mich. 1998) (Muslim of Lebanese origin charged with providing material support to Hezbollah, a banned FTO); *United States v. Tabatabai*, No. 99-CR-225 (C.D. Cal. 1999) (Muslim of Iranian origin charged with providing material support to Mujahedin Khalq Organization, a banned FTO); *United States v. Mohamad Youssef Hammoud*, 3:00CR147 (W.D.N.C. 2000) (several Muslims of Lebanese origin charged with materially supporting Hezbollah); *United States v. Lindh*, No. CR. 02-37-A (E.D. Va. 2002) (American Muslim charged with providing support to Al-Qaeda, a banned FTO); *United States v. Khan*, No. CRIM. 03-296-A (E.D. Va. 2003) (Muslims of unknown origin charged with providing material support to Al-Qaeda); *United States v. Goba*, No. 02-CR-214S (W.D.N.Y. 2002) (Muslims of Yemeni origin charged with providing material support to Al-Qaeda).

1. Kach and Kahane Chai (Israeli FTOs)

On December 19, 2000, the New York Times published an article on the fund raising and advocacy activities of Kach and Kahane Chai,[6] two Israeli groups also designated as FTOs, through various fronts. Dean E. Murphy, *Terror Label No Hindrance to Anti-Arab Jewish Group*, N.Y. TIMES, Dec. 19, 2000, at A1 (Attached as Appendix A). The leader of one of the front groups, Michael Guzofsky, stated from his office at the Hatikva Jewish Identity Center in Brooklyn, "If we can't be Kach or Kahane Chai we will be simply Kahane," adding that "[w]e operate openly and have nothing to hide. Ultimately, various organizations that did the same thing were put on the terrorist list, but people that believe in something generally don't run away even if it becomes dangerous to speak." *Id.* Further, the article detailed how the banned groups continued their work by operating as a charitable organization, which reported $107,000 of income to the IRS in 1998, and by openly soliciting potential supporters in the United States for financial aid. *Id.* The article noted that, in order to keep ahead of law enforcement agencies, "the Kahane faithful just put on a new face and find a new name," adding that law enforcement agencies rarely bother them and generally ignore their activities. *Id.*

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[6] Kach and Kahane Chai were first designated as terrorist groups by Executive Order 12947 on January 23, 1995. Executive Order: Prohibiting Transactions With Terrorists Who Threaten to Disrupt the Middle East Peace Process, 60 Fed. Reg. 5079, 5081 (January 23, 1995). They were designated as FTOs by the Secretary of State on October 8, 1997, the same date the PIJ was so designated. Designation of Foreign Terrorist Organizations; Notice, 62 Fed. Reg. 52, 649-52 (Dep't State Oct. 8, 1997).

A subsequent article in the New York Times reported that on January 4, 2001, the FBI raided the offices of the Hatikva Jewish Identity Center and confiscated large numbers of documents along with several computers. Dean E. Murphy, *F.B.I Raids Brooklyn Office of Kahane Followers*, N.Y. TIMES, January 5, 2001, at B3 (Attached as Appendix B). Incidentally, Guzofsky objected to the raid as an attack on the free-speech rights of individuals spreading their own message - ridding Israel of all Arabs - in a nonviolent manner. *Id.* To further underscore the government's knowledge of Kach and Kahane Chai's activities in the United States, the State Department in its annual report on worldwide terrorist activity notes that the groups "receive[] support from sympathizers in the United States and Europe." *See* DEPARTMENT OF STATE, PATTERNS OF GLOBAL TERRORISM 2003, 125 (April 2004). Despite the fact that the government quite clearly has information on the fund raising and advocacy activities of front groups for Kach and Kahane Chai, and fund raising and advocacy are at the heart of the government's charges against the Defendants here, it has failed to bring any criminal prosecutions based on providing material support for this non-Middle Eastern Muslim FTOs through fund raising.[7]

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[7] Proof of this double standard is evidenced by the government's treatment of Kach and Kahane Chai leaders. On January 12, 2001, the Jerusalem Post reported that the United States had decided to revoke the multiple-entry visa it had issued to Baruch Marzel, the former leader of Kach, a few weeks after he had returned to Israel from a fund raising tour of the United States. Herb Keinon, *Marzel Stripped of American Visa*, JERUSALEM POST, Jan. 12, 2001, at 2A (Attached as Appendix F). Notably, the government did not try to detain Marzel or prosecute him criminally even though he had been in the United States openly. The article quoted an anonymous source familiar with Marzel's case as saying: "The US has been criticized on only coming down on Arab terror; this shows they come down on Jewish terror as well...It is all part of trying to show balance." *Id.*

2. Real IRA (Irish FTO)

Kach and Kahane Chai are not the only non-Middle Eastern Muslim FTOs conducting fund raising activities in the United States. The British press has published several articles detailing the fund raising activities of the Real IRA,[8] another banned FTO, in the United States. For example, in June 2001, the Financial Times published an article reporting on the intention of those within the Irish-American community to continue to raise funds for the Real IRA, despite the ban. *Special Report The Funding of Irish Nationalism*, FINANCIAL TIMES (London), June 5, 2001, at 3 (Attached as Appendix C). On December 30, 2001, the Express on Sunday reported that several Irish bars across the United States "have continued to hold fund raising activities for the Real IRA." Yvonne Ridley, *Outrage As US Cash Still Flows To the IRA*, EXPRESS ON SUNDAY (London), Dec. 30, 2001 (Attached as Appendix D). A source from the Real IRA stated that "[i]t's true that much of our funding comes from Irish Americans." *Id.* Joe Dillon, a spokesman for the 32 County Sovereignty Committee, a front organization for the Real IRA,[9] echoed the sentiment and reaffirmed that Irish Americans continue to provide the largest amount of financial support to the Real IRA. *Id.*

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[8] The Real IRA broke off from the mainstream IRA (Provisional IRA) due to differences over the direction of the peace process in Northern Ireland. PATTERNS OF GLOBAL TERRORISM, supra p. 7, at 133. The Real IRA was designated as an FTO by the Secretary of State on May 16, 2001. Designation of Foreign Terrorist Organizations; Notice, 66 Fed. Reg. 27,441-42 (Dep't State May 16, 2001).

[9] *See* footnote 8, *supra; see also 32 County Sovereignty Committee v. Department of State*, 292 F.3d 797 (D.C. Cir. 2002) (upholding the designation of the Real IRA as an FTO).

On January 6, 2002, the Express on Sunday reported that the United States government moved to freeze the assets of the Real IRA, in response to the paper's exposé of the group's fund raising activities in the United States, but has not prosecuted anyone criminally as a result. Yvonne Ridley, *Freeze On US Funds For Terror Groups*, EXPRESS ON SUNDAY (London), Jan. 6, 2002 (Attached as Appendix E). In addition to the above cited reports in the British press, the State Department, in its report on Patterns of Global Terrorism 2003 states that the Real IRA is "[s]uspected of receiving funds from sympathizers in the United States and of attempting to buy weapons from US gun dealers." PATTERNS OF GLOBAL TERRORISM, *supra* p. 7, at 133.

The above evidence is sufficient to demonstrate both the discriminatory effect and purpose of this prosecution on the Defendants, all of whom are Muslims of Middle Eastern origin, as opposed to Jewish Americans, in the case of Kach and Kahane Chai, or Irish Americans, in the case of the Real IRA. Members of Kach, Kahane Chai, and the Real IRA are, without doubt, similarly situated to any alleged members of the PIJ. Further, as noted above, the previous Section 2339B prosecutions based on otherwise legal advocacy and fund raising have targeted only Muslims of Middle Eastern descent. On this basis, it is clear that Mr. Fariz has clearly demonstrated the discriminatory effect of this prosecution. The fact of this discriminatory effect alone, when compared and contrasted with the other prosecutions for violations of Section 2339B, also demonstrates the discriminatory purpose behind such prosecutions. The fact that American Jews and Irish Americans have been engaged in

exactly the same activity charged here, but have managed to avoid prosecution is sufficient to make out a successful selective prosecution claim.

As the Supreme Court has noted, discriminatory effect can be so severe as to provide sufficient evidence of discriminatory purpose. *Gomillion v. Lightfoot*, 364 U.S. 339, 341-42 (1960). (where act of municipal legislature removed all but a handful of the town's black voters, the act could only be constitutionally invalid, since it resulted in a de facto segregation between the town's white and black citizens). Further, "[c]ircumstantial evidence of invidious intent may include proof of disproportionate impact." *Batson v. Kentucky*, 476 U.S. 79, 93 (1986) (internal citations omitted). "[U]nder some circumstances proof of discriminatory impact 'may for all practical purposes demonstrate unconstitutionality because in various circumstances the discrimination is very difficult to explain on non-racial grounds.'" *Id*. (quoting *Washington v. Davis*, 429 U.S. 229, 242 (1976)). The disparate application of Section 2339B prosecutions is "directed so exclusively against a particular class of persons...with a mind so unequal and oppressive" that enforcement has amounted to a "practical denial" of equal protection of the laws. *Yick Wo v. Hopkins*, 118 U.S. 356, 373 (1886).

B. Discrimination in the Designation Process

In addition, the instant case highlights the extremely selective nature of the prosecution of the Defendants, in the context of a highly arbitrary definition of what constitutes "terrorism" and "material support," while other groups that admittedly engaged in terrorist activity continue to operate freely in the United States. This state of affairs serves

only to underscore the discriminatory purpose of this prosecution, which seeks to punish Muslims of Middle Eastern origin, while other organizations of different religious and ethnic backgrounds carry out fund raising and advocacy activity in the United States without fear of legal sanction, simply because they have not been designated as FTOs. They can operate freely in the United States, even though they engage in the same type of political violence that has seen other groups banned in the United States as FTOs.

This discrimination is rooted in the FTO designation process, where the Executive Branch, specifically the Secretary of State in consultation with the Attorney General, can designate a group if it has ever used or threatened to use a weapon against persons or property, or has engaged in politically motivated violence, and if the group's activities are against U.S. foreign policy, defense, or economic interests. 8 U.S.C. § 1189(a)(1)(C); David Cole, "The New McCarthyism: Repeating History in the War on Terrorism," 38 Harv. C.R.-C.L. L. Rev 1, 10 (Winter 2003). In essence, the Executive Branch's designation singles out those groups whose viewpoints run counter to the interests of the United States. Of the 37 groups designated as FTOs, 24 or 65% are Muslim in character and/or makeup. PATTERNS OF GLOBAL TERRORISM, *supra* p. 7, at 113-37. Of those 24, 9 are either Palestinian or Lebanese groups opposed to Israel and its policies regarding the Palestinians. *Id.* As several congressmen noted when they voiced their concerns about the then-pending Section 2339B legislation:

> Given the bill's broad definition of "terrorism," as a practical matter this will give the Secretary of State completely open-ended authority to determine which organizations to blacklist. This could very well lead to

> the law being applied in a selective manner, raising serious due process issues (as President [G.H.W.] Bush once stated, "one man's terrorist is another man's freedom fighter").

H.R. REP. NO. 104-383, dissenting view pt. I(A), at 179-80 (1995) (footnotes and citations omitted).

By way of example of the double standards of the policy of designations, on March 21, 2004, the New York Times Magazine printed a long profile of an individual named Yasith Chhun, an accountant in Long Beach, California, who also serves as the leader of the Cambodian Freedom Fighters ("C.F.F."), "a militant group dedicated to the overthrow of Prime Minister Hun Sen of Cambodia." Joshua Kurlantzick, *The Strip Mall Revolutionaries*, N.Y. TIMES MAG., Mar. 21, 2004, at 50 (Attached as Appendix G). While the C.F.F. has not been designated as an FTO, it is listed as a "terrorist group" by the Department of State in its report on Patterns of Global Terrorism 2003. PATTERNS OF GLOBAL TERRORISM, *supra* p. 7, at 142-43. The Report notes that the C.F.F.'s "US-based leadership collects funds from the Cambodian-American community." *Id*. By hosting various fund raising events in the Cambodian-American community, Chhun claimed to have amassed some $300,000 on behalf of the C.F.F. Kurlantzick, *supra*. The article notes: "The group spent two years methodically planning a coup that culminated in an armed assault on Phnom Penh in the fall of 2000, resulting in some of the worst bloodshed in the Cambodian capital's recent history. Now, Chhun said, the group is planning an even bigger assault. 'Next time,' he promised, 'we will attack the whole country.'" *Id.* While the FBI has opened an investigation into the C.F.F. and its

activities, the article details how strong support for the C.F.F. from members of Congress has impeded any attempts by the government to investigate it and curtail its activities. *Id.* In fact, Chhun is quoted as telling the FBI that his group has no plans to quit raising money for and planning violent activity in Cambodia. *Id.*

Another group that continues to raise funds here in the United States is the Irish Republican Army, also known more generally as the IRA. Like the C.F.F., the IRA has been listed in the State Department's Report, Patterns of Global Terrorism 2003 as a "terrorist group." PATTERNS OF GLOBAL TERRORISM, *supra* p. 7, at 148. The same report notes that the IRA "[i]s suspected of receiving funds, arms, and other terrorist-related materiel from sympathizers in the United States." *Id.* In December 2001, the St. Petersburg Times reported that Sinn Fein, the political wing of the IRA, "relies heavily on support in the United States...for fund raising." (Attached as Appendix H). Political pressure from Irish Americans has ensured that the IRA has escaped the scrutiny of federal law enforcement agencies, even though its military activities have been branded as the same kind of "terrorism" in which the PIJ is allegedly engaged. *Special Report the Funding of Irish Nationalism*, *supra* p. 8. Also, the United States ban on the Real IRA has allowed IRA support groups in the United States to increase the level and breadth of their fund raising. *Id*. Based on the above discussion of the government's failure to prosecute non-Muslim groups branded as FTOs, in addition to its failure to even articulate or apply a consistent standard towards groups involved in essentially the same type of activities, Mr. Fariz has demonstrated that this prosecution is motivated by an

impermissible discriminatory purpose. Accordingly, this Court should dismiss this case on the basis of selective prosecution.

C. Discovery is Warranted in this Case Based on Selective Prosecution

Even if this Court does not dismiss this action on the basis of selective prosecution, at the very least, Mr. Fariz is entitled to discovery from the government. The standard for obtaining discovery based on a selective prosecution claim is less exacting than that for dismissal. Mr. Fariz need only show "some" evidence of discriminatory effect and purpose to obtain discovery on this claim. *United States v. Bass*, 536 U.S. 862, 863 (2002). While the Supreme Court has not answered the question of what type of showing as to discriminatory purpose is necessary to obtain discovery on a selective prosecution claim, it has stated that a defendant seeking discovery on that basis can show discriminatory effect by "some evidence that similarly situated defendants of other races could have been prosecuted, but were not." *Armstrong*, 517 U.S. at 469. In the Eleventh Circuit, to be entitled to discovery on a selective prosecution claim, Mr. Fariz must present sufficient evidence as to discriminatory effect and purpose to make out a "colorable entitlement" to the claim. *United States v. Gordon*, 817 F.2d 1538, 1539 (11th Cir. 1988) (vacated and remanded on other grounds by *U.S. v. Gordon*, 836 F.2d 1312 (11th Cir. 1988)). "Colorable entitlement" has been defined as "sufficient facts 'to take the question past the frivolous state and raise a reasonable doubt as to the prosecutor's purpose.'" *Id*. (quoting *United States v. Hazel*, 696 F.2d 473, 475 (6th Cir. 1983) (internal citations omitted). The above examples clearly demonstrate Mr. Fariz' colorable

entitlement to the selective prosecution claim, namely, that similarly situated individuals could have been prosecuted but have not been. With respect to the issue of discriminatory purpose, the fact that only alleged members of Muslim Middle Eastern groups have been singled out for prosecution, while Jewish, Irish and Cambodian Americans have engaged in essentially the same activities without the threat of criminal prosecution, only serves to highlight the fact that a discriminatory purpose is at work here.

III. Conclusion

For the foregoing reasons, Mr. Fariz respectfully requests that this Honorable Court dismiss this action based on the selective nature of the prosecution and/or grant discovery to allow further investigation of the selective prosecution claim.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this _____ day of July, 2004, a true and correct copy of the foregoing has been furnished by hand delivery to Terry Zitek, Assistant United States Attorney, 400 North Tampa Street, Suite 3200, Tampa, Florida 33602 and to the following by U.S. Mail:

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